

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS PATRICK OLSEN,

Petitioner,

v.

NUNZIO E. DOLDO, *Superintendent*,
AND TINA STANFORD, *NYS Board of
Parole*,

Respondents.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 2/11/20 .

No. 16-CV-5366 (RA)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

Petitioner Thomas Patrick Olsen, proceeding *pro se*, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in connection with his November 2011 state-law conviction for attempted rape in the first degree, sexual abuse in the first degree, and assault in the second degree. *See* Dkt. 2. On January 2, 2020, Magistrate Judge Debra Freeman issued a Report and Recommendation (the “Report”) recommending that the Court dismiss the Petition in its entirety. *See* Dkt. 52. Neither Petitioner nor Respondents filed objections to the Report.¹

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). That deadline is extended to 17 days when service is made by mail. *See* Fed. R. Civ. P. 6(d). “When the parties make no objections to the

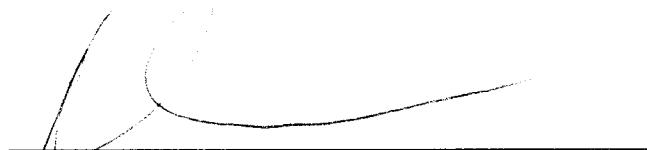
¹ A copy of the Report was sent to Petitioner at Willow Men’s Shelter, 781 East 135th Street, Bronx, New York 10454, *see* Report at 79, which is Petitioner’s current address according to the Notice of Change of Address, dated August 27, 2016 and filed on September 9, 2016. *See* Dkt. 10.

Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

As no objections to the Report were filed, the Court has reviewed Judge Freeman’s Report for clear error. The Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, the petition for a writ of habeas corpus is denied, and the action is dismissed. Because the Petition makes no substantial showing of a denial of a constitutional right, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c)(2). The Clerk of Court is respectfully directed to mail a copy of this Order to Petitioner and close this case.

SO ORDERED.

Dated: February 11, 2020
New York, New York



Ronnie Abrams
United States District Judge